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| 10/029,774 | 12/20/2001 | Damien R. Forkner | 10012176-1 | 5672 |

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Intellectual Property Administration
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| EXAMINER |
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VO, LILIAN

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| ART UNIT | PAPER NUMBER |
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2195

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08/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 10/029,774 | Applicant(s) FORKNER ET AL. | |
| | Examiner Lilian Vo | Art Unit 2195 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 4, 6 - 14, 16 - 21 and 23 - 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 4, 6 - 14, 16 - 21 and 23 - 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 4, 6 – 14, 16 – 21 and 23 - 26 are pending. Claims 5, 15 and 22 have been cancelled.

2. In view of the appeal brief filed on 5/7/07, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 3, 6 – 10, 12 – 14, 16 – 19, 21 and 23 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singhal et al (US 7,096,418, hereinafter Singhal).

5. Regarding **claim 1**, Singhal discloses a server (fig. 2A and 4) comprising:
an application (abstract and fig. 2A and 4), the application comprising:

a persistent process that generates dynamic and interactive HTML content for the application (col. 5 lines 39 – 46, 56 – 62, col. 1 lines 19 - 37); and

a plurality of transient processes, wherein each transient process is launched to handle a client request from a client by parsing the client request, forwarding the client request to the persistent process, capturing a result from the persistent process and forwarding the result to the client (fig. 4, abstract, col. 3 lines 25 – 41, col. 4 lines 27 – 55, col. 6 lines 17 – 19 and 32 -46); and

wherein the persistent process performs background processing when no client requests are pending, the background processing including caching in memory (fig. 5A, col. 8 lines 17 – 28).

With respect to the limitation in which the persistent process performs background processing including caching in memory, Singhal discloses that “the system then automatically receives dependency change event information, typically as an event message...based on the event message (or dependency change event information), cached dynamic pages whose dependencies are no longer valid...is then updated...for example, by...requesting updated web pages, updating indices to cached pages, and the like. The update or portions of the update...may occur immediately upon receipt of the event

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message...” (col. 8 lines 3 – 28, col. 20 lines 64- col. 21 lines 15). Therefore, it would have been obvious to one of an ordinary skill in the art, at the time the invention was made, to recognize that Singhal suggests the caching of the updated web pages in the memory is being performed in the background after the receiving of the change information because this relieves the demand on the origin web server 208 and the dynamic content server 210 to generate a dynamic page every time a user request for that dynamic page is received and permits faster responses to browser requests (col. 5 lines 5 – 9).

6. Regarding **claim 2**, Singhal discloses the persistent process utilizes a support process outside the server (col. 5 lines 57 – 63, col. 4 lines 41 - 49).

7. Regarding **claim 3**, Singhal discloses the transient processes implement a CGI (col. 5 lines 64 – col. 6 lines 2).

8. Regarding **claim 6**, Singhal discloses that each of the plurality of transient processes terminates after forwarding the result to the client (fig. 4, 5B and 9).

9. Regarding **claim 7**, Singhal discloses when a first client sends a file request for a file, a first transient process obtains and forwards the file to the first client (col. 6 lines 4 - 31).

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10. Regarding **claim 8**, Singhal discloses when a first client sends a file request for a file, a first transient process, after verifying access to the file, obtains and forwards the file to the first client (col. 6 lines 4 - 31).

11. Regarding **claim 9**, Singhal discloses the plurality of transient processes communicate with the persistent process via interprocess communication (IPC) (fig. 4, 5B and 9).

12. Regarding **claim 10**, Singhal discloses the caching in memory performed by the persistent process is look ahead caching (col. 8 lines 3 – 28, col. 20 lines 64- col. 21 lines 15).

13. **Claims 12 – 14, 16 – 19, 21 and 23 - 25** are rejected on the same ground as stated in claims 1 – 3 and 6 - 10 above.

14. Claims 4, 11, 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singhal et al (US 7,096,418) in view of Challenger et al. (US 6,026,413, hereinafter Challenger).

15. Regarding **claims 4 and 11**, Singhal discloses a system that provides cached dynamic web pages in response to request from network user (abstract, col. 4 lines 26 - 55). Therefore, it would have been obvious to one of an ordinary skill in the art, at the time the invention was made, that by servicing a larger number of users submitting the requests it implies that Singhal's system could be including or using a queue for the request. Furthermore, Challenger discloses the uses of a queue for storing the incoming requests (fig. 33a, 33B and 34). It would have been obvious for one of an ordinary skill in the art, at the time the invention was made, to incorporate

this feature to Singhal's system so that incoming requests can be queued as they are waiting to be serviced accordingly in the order they were received.

16. **Claims 20 and 26** are rejected on the same ground as stated in claims 4 and 11 above.

Response to Arguments

17. Applicant's arguments filed on 5/7/07 with respect to claims 1, 12 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Vo whose telephone number is 571-272-3774. The examiner can normally be reached on Thursday 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lilian Vo
Examiner
Art Unit 2195

lv
August 9, 2007


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2195